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REMARKS

I.   INTRODUCTION

Claims 1, 3, 10, 12 and 19 have been amended. Claims 2, 11 and 20 have been cancelled. Thus, claims 1-2, 4-10, and 12-19 remain pending in the present application. No new matter has been added. In view of the above amendments and following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

II.   THE 35 U.S.C. § 102(b) REJECTIONS SHOULD BE WITHDRAWN

Claims 1, 3, 6, 7, 10, 12, 15, 16, and 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,758,259 to Lawler ("Lawler"). (See 01/12/06 Office Action, p. 2, ll. 21-22).

Claim 1 recites, "generating a user recommendation score for at least one of said available items that reflects a history of selecting said one or more items by said user; obtaining at least one third party recommendation for at least one of said available items that reflects a history of selecting said one or more items by at least one third party; generating a third party recommendation score for said at least one of said available items based on said third party recommendation; and *calculating an adjusted recommendation score for said user, wherein said user recommendation score is adjusted based on said third party recommendation score.*" (Emphasis added).

In contrast, Lawler generally relates to interactive television and providing viewers with selective personalized guides to programming. Specifically, Lawler describes a system that identifies particular characteristics of programming delivered to a selected viewer.

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(See Lawler, col. 2, ll. 10-19). For each viewer, the system establishes a database or "preference table" of predetermined preferred characteristics of programming (i.e., an actor, director, genre, etc.) that is particular to the viewer. (See Id.). Using this list of predetermined preferred characteristics, the system determines which of the programs during a selected time have correlating characteristics and identifies the "preferred program" as the program having the greatest number of correlating characteristics. (See Id., col. 2, ll. 20-29). Thus, the system according to Lawler provides an individual viewer with a preferred program based on the viewer's historical predetermined characteristics of previously viewed programs. (See Id., col. 2, ll. 30-36). In addition, the system can identify a preferred program based on the historical viewing of a selected group of viewers, such as a regional group or a demographic group. (See Id., col. 2, ll. 37-44; and col. 9, ll. 35-48). A programming guide according to Lawler shows a list of preferred programs, with a single entry based on personal viewing history, another entry based on household viewing history, a further entry based on national (or aggregate) viewing history, and an entry based on critical reviews. (See Id., col. 9, ll. 35-48; and Fig 3B).

The Lawler system simply lists shows according to various categories. There is no comparisons or adjustments made to any one of these categories based on an entry or a preference contained in another category. In other words, the viewing history of each one of the categories is used to establish an objective list of programs specific to that category. This list contains one or more predetermined characteristics correlating to that single category. A viewer using this system is presented with nothing more than a preferred personal program, a preferred household program, a preferred national (demographic) program, and a preferred critical program, where each program containing a characteristic (an actor, director, genre, etc.) correlates to the viewer's preference table.

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It is respectfully submitted that Lawler's disclosure neither teaches nor suggests "calculating an adjusted recommendation score for said user, wherein said user recommendation score is adjusted based on said third party recommendation score," as recited in claim 1. The viewer's preferred program provided by Lawler is neither adjusted by nor interrelated in any way to the preferred programs from the other categories. Lawler fails to teach or suggest the generation of a program recommendation score for a specific user that is influenced by *both the viewing habits of a user and the recommendations of a third party*. Applicant respectfully submits that for at least the reasons stated above, claim 1 of the present application is not anticipated by Lawler, and request that the rejection of this claim be withdrawn. As claims 3, 6, and 7 depend from, and therefore include all the limitations of claim 1, it is hereby submitted that these claims are also allowable.

The Examiner rejected claims 10 and 19 as reciting limitation already addressed by the rejection of claim 1 as being unpatentable over Lawler. (See Office Action, p. 3, ll. 4-6)

Claim 10 recites a processor configured to "generate a user recommendation score for at least one of said available items that reflects a history of selecting said one or more items by said user; obtain at least one third party recommendation for at least one of said available items that reflects a history of selecting said one or more items by at least one third party; generate a third party recommendation score for said at least one of said available items based on said third party recommendation; and *calculate an adjusted recommendation score for said user, wherein said user recommendation score is adjusted based on said third party recommendation score*" (Emphasis added). Therefore, Applicant respectfully submits that claim 10 is allowable for at least the reasons discussed above with regard to claim 1. As claims 12, 15, and 16 depend

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from, and therefore include all the limitations of claim 10, it is hereby submitted that these claims are also allowable.

Claim 19 recites a processor configured to "a step to generate a user recommendation score for at least one of said available items that reflects a history of selecting said one or more items by said user; a step to obtain at least one third party recommendation for at least one of said available items that reflects a history of selecting said one or more items by at least one third party; a step to generate a third party recommendation score for said at least one of said available items based on said third party recommendation; and *a step to calculate an adjusted recommendation score for said user, wherein said user recommendation score is adjusted based on said third party recommendation score.*" (Emphasis added). Therefore, Applicant respectfully submits that claim 19 is allowable for at least the reasons discussed above with regard to claim 1.

III.   THE 35 U.S.C. § 102(e) REJECTIONS SHOULD BE WITHDRAWN

Claims 1, 3, 6, 7, 10, 12, 15, 16, and 19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2002/0174429 to Gutta et al. ("Gutta"). (See 01/12/06 Office Action, p. 4, ll. 7-8).

Gutta relates solely to the *generation* of a recommendation score. Specifically, the method and system obtain recommendation scores ("S_1", "S_2", and "S_3") from at least three program recommenders, and computing a combined recommendation score ("C") by applying a voting process. (See Gutta, ¶0016). The system presents the recommended score C to a user to enable the user to select a television program of interest. (See Id.). Gutta goes on to describe the process of providing recommendation scores S_1, S_2, and S_3, such as through the use of feedback,

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implicit and explicit data. (See Id, ¶0035). However, Gutta fails to teach or suggest the uses of a user recommendation score at all, let alone the adjustment of a user recommendation score. Gutta simply provides the user with an aggregate recommendation score from recommenders without applying any consideration to a user's personal interest. Since the system and method according to Gutta fails to consider the use of a user recommendation score, Gutta is unable to generate program a recommendation score *that are influenced by both the viewing habits of a user and the recommendations of a third party.*

It is respectfully submitted that Gutta's disclosure neither teaches nor suggests *"generating a user recommendation score for at least one of said available items that reflects a history of selecting said one or more items by said user*; obtaining at least one third party recommendation for at least one of said available items that reflects a history of selecting said one or more items by at least one third party; generating a third party recommendation score for said at least one of said available items based on said third party recommendation; and *calculating an adjusted recommendation score for said user, wherein said user recommendation score is adjusted based on said third party recommendation score,"* as recited in claim 1. Applicant respectfully submits that for at least the reasons stated above, claim 1 of the present application is not anticipated by Gutta, and request that the rejection of this claim be withdrawn. As claims 3, 6, and 7 depend from, and therefore include all the limitations of claim 1, it is hereby submitted that these claims are also allowable.

The Examiner rejected claims 10 and 19 as reciting limitation already addressed by the rejection of claim 1 as being unpatentable over Gutta. (See Office Action, p. 4, ll. 13-14)

Claim 10 recites a processor configured to *"generate a user recommendation score for at least one of said available items that reflects a history of selecting said one or more*

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items by said user; obtain at least one third party recommendation for at least one of said available items that reflects a history of selecting said one or more items by at least one third party; generate a third party recommendation score for said at least one of said available items based on said third party recommendation; and *calculate an adjusted recommendation score for said user, wherein said user recommendation score is adjusted based on said third party recommendation score*" (Emphasis added). Therefore, Applicant respectfully submits that claim 10 is allowable for at least the reasons discussed above with regard to claim 1. As claims 12, 15, and 16 depend from, and therefore include all the limitations of claim 10, it is hereby submitted that these claims are also allowable.

Claim 19 recites a processor configured to "*a step to generate a user recommendation score for at least one of said available items that reflects a history of selecting said one or more items by said user*; a step to obtain at least one third party recommendation for at least one of said available items that reflects a history of selecting said one or more items by at least one third party; a step to generate a third party recommendation score for said at least one of said available items based on said third party recommendation; and *a step to calculate an adjusted recommendation score for said user, wherein said user recommendation score is adjusted based on said third party recommendation score.*" (Emphasis added). Therefore, Applicant respectfully submits that claim 19 is allowable for at least the reasons discussed above with regard to claim 1.

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IV. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 4, 5, 9, 13, 14, and 18 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Lawler in view of U.S. Patent No. 6,637,029 to Maissel et al. ("Maissel"). (See 01/12/06 Office Action, p. 6, ll. 15-16).

As discussed above, Lawler does not teach or suggest all the limitations of independent claims 1 and 10. It is respectfully submitted that Maissel is insufficient to cure the above-stated deficiencies of Lawler. Because claims 4, 5, and 9 depend from, and, therefore include all the limitations of claim 1, it is respectfully submitted that these claims are allowable for the reasons stated above with reference to claim 1. Because claims 13, 14, and 18 depend from, and, therefore include all the limitations of claim 10, it is respectfully submitted that these claims are allowable for the reasons stated above with reference to claim 10.

Claims 8 and 17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Lawler in view of U.S. Patent No. 6,637,029 to Herz et al. ("Herz"). (See 01/12/06 Office Action, p. 7, ll. 17-18).

As discussed above, Lawler does not teach or suggest all the limitations of independent claims 1 and 10. It is respectfully submitted that Herz is insufficient to cure the above-stated deficiencies of Lawler. Because claim 8 depends from, and, therefore includes all the limitations of claim 1, it is respectfully submitted that claim 8 is allowable for the reasons stated above with reference to claim 1. Because claim 17 depends from, and, therefore includes all the limitations of claim 10, it is respectfully submitted that claim 17 are allowable for the reasons stated above with reference to claim 10.

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CONCLUSION

In light of the foregoing, Applicant respectfully submits that all of the now pending

claims are in condition for allowance. All issues raised by the Examiner having been addressed.

An early and favorable action on the merits is earnestly solicited.
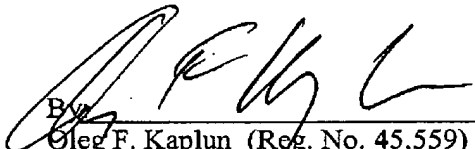
Please direct all future correspondence to:
Larry Liberchuk
Senior IP Counsel

Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9602
Fax: (914) 332-0615
Email: larry.liberchuk@philips.com

Respectfully submitted,

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By _____
Oleg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, NY 10038

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